

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE CEMENT MASONS)	
PENSION FUND, LOCAL 502; TRUSTEES OF)	
THE CEMENT MASONS INSTITUTE OF)	
CHICAGO, ILLINOIS; TRUSTEES OF THE)	
CEMENT MASONS SAVINGS FUND,)	
LOCAL 502; and TRUSTEES OF THE CEMENT)	
MASONS APPRENTICE EDUCATION)	
AND TRAINING FUND, LOCAL 502,)	No. 08 C 2920
)	
TRUSTEES OF THE CEMENT MASONS)	
PENSION FUND, LOCAL 803; TRUSTEES OF)	
THE CEMENT MASONS INSTITUTE OF)	
CHICAGO, ILLINOIS; TRUSTEES OF THE)	Judge Darrah
CEMENT MASONS SAVINGS FUND,)	
LOCAL 803; and TRUSTEES OF THE)	
CEMENT MASONS APPRENTICE)	
EDUCATION AND TRAINING FUND,)	
LOCAL 803,)	Magistrate Judge Nolan
)	
Plaintiffs,)	
)	
v.)	
)	
R. A. BRIGHT CONSTRUCTION, INC.,)	
an Illinois corporation,)	
Defendant.)	

MOTION FOR ORDER OF DEFAULT AND JUDGMENT IN SUM CERTAIN

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability and Judgment in favor of Plaintiffs and against Defendant, R.A. BRIGHT CONSTRUCTION, INC.

In support thereof, Plaintiffs state:

1. This case was filed on May 20, 2008.
2. Defendant was served with Summons and Complaint on May 28, 2008. (Exhibit

A.)

3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.

4. Per the affidavit of Richard Wolf, Defendant owes Cement Masons Local 502 for the audit period July 1, 2005 through March 31, 2008 \$5,231.08 benefits, \$784.67 liquidated damages, and \$510.00 audit costs for a total of \$6,525.75. (Exhibit B)

5. Per the affidavit of Donald Schwartz, attorney for Plaintiffs in legal fees and expenses \$1,300.00 has been incurred in this suit. (Exhibit C)

WHEREFORE, Plaintiffs pray for:

1. An Order of Default against the Defendant.
2. Judgment be rendered in the amount of \$7,825.75 for the Trustees of the Cement Masons Pension Fund Local 502, et. al.

Respectfully submitted,

**TRUSTEES OF THE CEMENT MASONS
PENSION FUND, LOCAL 502, et. al.**

By: s/ Donald D. Schwartz
One of their Attorneys

Donald D. Schwartz
ARNOLD AND KADJAN
19 West Jackson Blvd.
Chicago, Illinois 60604
(312) 236-0415

AU 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

TRUSTEES OF THE CEMENT MASONS PENSION FUND,
LOCAL 502, et. al. and TRUSTEES OF THE CEMENT MASONS
PENSION FUND, LOCAL 803, et. al

Plaintiffs,

V.

R. A. BRIGHT CONSTRUCTION, INC., AN ILLINOIS
CORPORATION

Defendant.

CASE NUMBER: 08CV2920

ASSIGNED JUDGE: JUDGE DARRAH

DESIGNATED
MAGISTRATE JUDGE MAGISTRATE JUDGE NOLAN

TO: (Name and address of Defendant)

R. A. BRIGHT CONSTRUCTION, INC.
C/O ITS REGISTERED AGENT, ROBERT A. BRIGHT
23808 WEST ANDREW ROAD
PLAINFIELD, IL 60544

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Donald D. Schwartz
Arnold and Kadjan
19 West Jackson Blvd., Suite 300
Chicago, IL 60604
(312) 236-0415

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the
relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of
time after service.

Michael W. Dobbins, Clerk



() (By) DEPUTY CLERK

May 20, 2008

Date

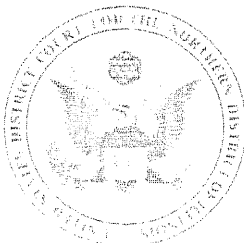


Exhibit A.

AO 440 (Rev 05/00) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE
Brian Riebel	Process Server

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served:
- Soul R.A. Bright Construction Inc c/o
Robert Bright Jr, Corporate Secretary, at other 23808 W. Andrew Rd
Plainsfield, IL 60068
- ☐ Left copies thereof at the defendant's dwelling house of usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left: (w/m 40 years old)
- ☐ Returned unexecuted:
- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL


DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

5/28/08
Date

Signature of Server



Address of Server

THE ARGUS AGENCY INC.
1400 RENAISSANCE DR. STE 208
PARK RIDGE IL 60068

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

TRUSTEES OF THE CEMENT MASONS)
PENSION FUND, LOCAL 502; TRUSTEES OF)
THE CEMENT MASONS INSTITUTE OF)
CHICAGO, ILLINOIS; TRUSTEES OF THE)
CEMENT MASONS SAVINGS FUND,)
LOCAL 502; and TRUSTEES OF THE CEMENT)
MASONS APPRENTICE EDUCATION)
AND TRAINING FUND, LOCAL 502,)

No. 08 C 2920

TRUSTEES OF THE CEMENT MASONS
PENSION FUND, LOCAL 803; TRUSTEES OF
THE CEMENT MASONS INSTITUTE OF
CHICAGO, ILLINOIS; TRUSTEES OF THE
CEMENT MASONS SAVINGS FUND,
LOCAL 803; and TRUSTEES OF THE
CEMENT MASONS APPRENTICE
EDUCATION AND TRAINING FUND,
LOCAL 803,

Judge Darrah

Magistrate Judge Nolan

Plaintiffs,

v.

R. A. BRIGHT CONSTRUCTION, INC.,
an Illinois corporation,

Defendant.

I, Richard J. Wolf, upon being first duly sworn, on oath deposes and states:

1. Affiant is President of the auditing firm of Richard J. Wolf & Company, Inc.

2. Our firm completed compliance audits for the Trustees of the Cement Masons

Pension Fund Local 502, et. al., on R.A. BRIGHT CONSTRUCTION, INC. for the period July 1, 2005 through March 31, 2008.

3. The audit report found arrears owing to the Trustees of the Cement Masons Pension

Fund Local 502, et. al., in the amount of \$5,231.08 benefits, \$784.67 liquidated

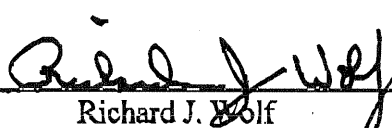
EXHIBIT B

damages, and \$510.00 audit costs for a total of \$6,525.75.

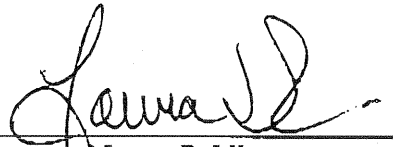
4. The total due the Plaintiffs including arrears, audit costs, and liquidated damages of 15 percent, but excluding attorney's fees and court costs is \$6,525.75 for **Cement Masons Local 502, et. al.**

5. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

FURTHER AFFIANT SAYETH NOT.


Richard J. Wolf

SUBSCRIBED AND SWORN to
before me this 10th day
of July, 2008


Notary Public



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE CEMENT MASONS)	
PENSION FUND, LOCAL 502; TRUSTEES OF)	
THE CEMENT MASONS INSTITUTE OF)	
CHICAGO, ILLINOIS; TRUSTEES OF THE)	
CEMENT MASONS SAVINGS FUND,)	
LOCAL 502; and TRUSTEES OF THE CEMENT)	
MASONS APPRENTICE EDUCATION)	
AND TRAINING FUND, LOCAL 502,)	No. 08 C 2920
)	
TRUSTEES OF THE CEMENT MASONS)	
PENSION FUND, LOCAL 803; TRUSTEES OF)	
THE CEMENT MASONS INSTITUTE OF)	
CHICAGO, ILLINOIS; TRUSTEES OF THE)	Judge Darrah
CEMENT MASONS SAVINGS FUND,)	
LOCAL 803; and TRUSTEES OF THE)	
CEMENT MASONS APPRENTICE)	
EDUCATION AND TRAINING FUND,)	
LOCAL 803,)	Magistrate Judge Nolan
)	
Plaintiffs,)	
)	
v.)	
)	
R. A. BRIGHT CONSTRUCTION, INC.,)	
an Illinois corporation,)	
Defendant.)	

AFFIDAVIT

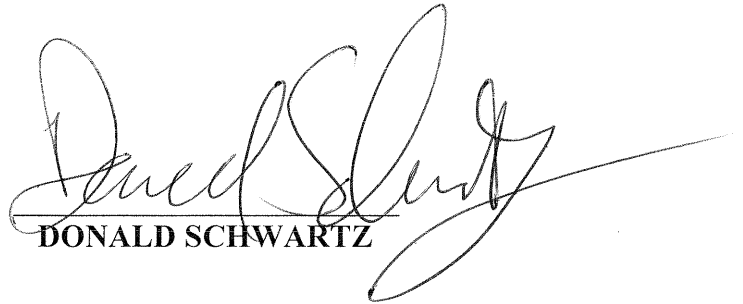
Donald D. Schwartz, upon being first duly sworn, on oath deposes and states:

1. Affiant is partner in the Law Firm Arnold & Kadjan handling this case.
2. Our firm has spent 5 hours in litigation in this matter.
3. Our normal rate is \$175.00 per hour.
4. Our firm charged the Cement Masons Pension Fund Local 502, et. al. \$875.00 in this matter.

EXHIBIT C

5. Our firm charged \$350.00 for court filing fee and \$75.00 process fee.
6. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

FURTHER AFFIANT SAYETH NOT.



DONALD SCHWARTZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE CEMENT MASONS)	
PENSION FUND, LOCAL 502; TRUSTEES OF)	
THE CEMENT MASONS INSTITUTE OF)	
CHICAGO, ILLINOIS; TRUSTEES OF THE)	
CEMENT MASONS SAVINGS FUND,)	
LOCAL 502; and TRUSTEES OF THE CEMENT)	
MASONS APPRENTICE EDUCATION)	
AND TRAINING FUND, LOCAL 502,)	No. 08 C 2920
)	
TRUSTEES OF THE CEMENT MASONS)	
PENSION FUND, LOCAL 803; TRUSTEES OF)	
THE CEMENT MASONS INSTITUTE OF)	
CHICAGO, ILLINOIS; TRUSTEES OF THE)	Judge Darrah
CEMENT MASONS SAVINGS FUND,)	
LOCAL 803; and TRUSTEES OF THE)	
CEMENT MASONS APPRENTICE)	
EDUCATION AND TRAINING FUND,)	
LOCAL 803,)	Magistrate Judge Nolan
)	
Plaintiffs,)	
)	
v.)	
)	
R. A. BRIGHT CONSTRUCTION, INC.,)	
an Illinois corporation,)	
Defendant.)	

JUDGMENT ORDER

THIS CAUSE coming on to be heard on Plaintiffs' Motion for Order of Default and Judgment in Sum Certain, all parties having been given due notice;

IT IS HEREBY ORDERED:

1. Judgment in the amount of \$7,825.75 is entered in favor of Plaintiffs, Trustees of the Cement Masons Pension Fund, Local 502, and against the Defendant, R.A. BRIGHT CONSTRUCTION, INC.

2. This is a final and appealable order.

DATED: _____

ENTER: _____
HONORABLE JUDGE DARRAH

Donald D. Schwartz
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415